

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JACQUES LABRON WILSON,

Defendant-Appellant.

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UNPUBLISHED

July 27, 1999

No. 208811

Wayne Circuit Court

Criminal Division

LC No. 91-012363

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,\* JJ.

MEMORANDUM.

Defendant pleaded guilty to armed robbery, MCL 750.529; MSA 28.797, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He received consecutive sentences of two years' imprisonment on the felony-firearm conviction and of 7-1/2 to 15 years' imprisonment on the robbery conviction. These sentences were to be served consecutively to a sentence defendant was then serving in light of his parolee status. We remanded for resentencing. On remand, the trial court imposed sentences identical to those originally imposed. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant has failed to demonstrate that his counsel rendered ineffective assistance at the resentencing when counsel failed to challenge the accuracy of certain information contained in the presentence investigation report. *People v Mitchell*, 454 Mich 145, 156; 560 NW2d 600 (1997); *People v Messenger*, 221 Mich App 171, 181-182; 561 NW2d 463 (1997). Defendant cannot demonstrate the requisite prejudice where defendant challenged the accuracy of the information at issue and the trial court disregarded that information. *Messenger, supra* at 181.

Defendant's assertion to the contrary, and assuming arguendo that the trial court did fail to strike the challenged information from the presentence investigation report, the failure to strike the inaccurate information from the report would not entitle defendant to resentencing. *People v Martinez (After Remand)*, 210 Mich App 199, 203; 532 NW2d 863 (1995). Furthermore, defendant has failed to demonstrate his entitlement to a remand for the transmittal of a corrected report to the Department of

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\* Circuit judge, sitting on the Court of Appeals by assignment.

Corrections because defendant has failed to provide this Court with a copy of the presentence investigation report as required by MCR 7.212(C)(7) showing that the inaccurate information was not stricken by the court. *People v Rodriguez*, 212 Mich App 351, 355; 538 NW2d 42 (1995).

Affirmed.

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette